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APPLICATION NO.	FILING DATE	, FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/973,142	10/09/2001	Ronald J. Biediger	TEX4542P0403US	6739	
1942	7590 04/15/2002	/			
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180 NORTH	ENTIAL PLAZA, STE. 4 STETSON AVENUE	ROBINSON, BINTA M			
CHICAGO, I	L 60601		ART UNIT	PAPER NUMBER	
			1625		
			DATE MAILED: 04/15/2002	DATE MAILED: 04/15/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Summary   S			Application No.	Applicant(a)		
### Examiner   Sinta M. Robinson   1625    ### The #MAILING DATE of this communication appears in the cover sheet with the correspondence address  **Period for Reply**  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ### THE MAILING DATE OF THIS COMMUNICATION.  #### THE MAILING DATE OF THIS COMMUNICATION.  #### THE MAILING DATE OF THIS COMMUNICATION.  ###################################	and the second		Application No.	Applicant(s)		
Binta M. Robinson   1625	Office Action Occurrence		09/973,142	BIEDIGER ET AL.		
The MALLING DATE of this communication appears in the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CCR 1.138(a). In a overt, however, may a reply be timely filled to the provision of time may be available under the provisions of 3 CCR 1.138(a). In an avent, however, may a reply be timely filled to the provision of the p		Onice Action Summary	Examiner	Art Unit		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  after 5X (s) MONTHS from the mailing date of this communication. 11 (s) one event however, may a reply be timely filed desired from 5X (s) MONTHS from the mailing date of this communication. 1 (the period for reply specified access, the maintain shallow period will apply and will expire SX (s) MONTHS from the mailing date of this communication. 1 (the period for reply specified access, the maintain shallow period will apply and will expire SX (s) MONTHS from the mailing date of this communication. 1 (the period by the Office dise than there more like after the mailing date of this communication, even if timely filed, may reduce any cannel patient term adjustment. See 37 CFR 1.70(tp).  Status  1) Responsive to communication(s) filed on common term and the mailing date of this communication, even if timely filed, may reduce any cannel patient term adjustment. See 37 CFR 1.70(tp).  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.31 is/are pending in the application.  4a) Of the above claim(s) is/are expicted.  7) Claim(s) is/are allowed.  6) Claim(s) is/are expicted to.  8) Claim(s) is/are expicted to.  8) Claim(s) is/are are pecified.  7) Claim(s) is/are are pecified to by the Examiner.  10 The drawing(s) filed on is/are: explication and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  11 The proposed drawing correction filed on is: axis and provided the provided by the Examiner.  12 The proposed drawing correction filed on is: axis and paper and the provided by the Examiner.  13 Corrected drawing are required in reply to this Office action.  14 The proposed drawing are required in reply to this Office action.  15 The proposed drawing are required in reply to this						
THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of ame may be available under the provisions of 37 CR 1.13(do). In or event, however, may a raply be timely filed after SIX (8) MONTHS from the raining date of the communication.  - If NO service from the part along date of the communication.  - If NO service from the part and active the communication.  - Fallue to reply within the set or extended pence for reply will, by statute, cause the application to become ARANDONED (35 U.S.C. § 131).  - Any eply received by the Office set than time nominal after the mailing date of this communication, even if timely filed, may reduce any example part time adjustment. Set 97 CR 1.174(b).  - Status  1   Responsive to communication(s) filed on	··					
2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-31 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to .  8) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * o) None of:  1 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a cl	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>					
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	2) Notice	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal			

Application/Control Number: 09/973,142

Art Unit: 1625

## **DETAILED ACTION**

## Election/Restrictions

Claims 1-23 and 29-31 are generic to a plurality of disclosed patentably distinct species comprising R1-R17, q, A, E, J, T, M, L, X, W, B. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The election of species will be used as a reference point for the examiner to create a natural genus based on a liberal interpretation of the doctrine of legal and c hemical equivalence and restriction will be required under 35 U. S. C. 121.

A telephone call was made to Martin Katz on 3/20/02 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

Application/Control Number: 09/973,142

Art Unit: 1625

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binta M. Robinson whose telephone number is (703) 306-5437. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman can be reached on (703)308-4698. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7922 for regular communications and (703)308-7922 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0193.

Binta Robinson

April 9, 2002

ALAN L. ROTMAN SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1600

alan L. Rotman

CENTER 1600